

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v

Case No. 15-20382
Hon. Victoria A. Roberts

PAUL NICOLETTI,

Defendant.

DEFENDANT'S STIPULATED MOTION FOR LEAVE TO ISSUE SUBPOENAS

1. This motion is brought pursuant to Fed. R. Crim. Pro. 17 (c) and LCrR 17:1.
2. On February 8, 2016, Defendant's former defense counsel John Minock filed a Motion for Leave to Issue Pretrial Subpoenas. That motion is filed as R 44 on the Docket Report.
3. A Stipulation (R 51) was entered in response to Defendant's motion on February 24, 2017. In pertinent part, the language in the Stipulation reads:

It is hereby agreed between the parties that defense counsel be permitted to issue pretrial subpoenas duces tecum to Fifth Third Bancorp for the information described in Defendant's Motion for Leave to Issue Pretrial Subpoenas.

4. Although the Motion addressed issuing subpoenas to several business entities in addition to Fifth Third Bancorp, the language of the Order omits the following entities:
 - a. Fifth Third Bancorp
 - b. Fifth Third Bank
 - c. Fifth Third Mortgage-MI, LLC
 - d. Computer Forensic Services

5. The entity called “Fifth Third Mortgage-MI, LLC” It is a Delaware Limited Liability Company, licensed to do business in Michigan. It is, upon information and belief, the lender on several documents, including several disclosure statements involved in potential loan misconduct. Defendant therefore wishes to request this entity to produce certified copies of this entities corporate filing documents for the time period in question in this case as well as copies of any FDIC insurance certificates that were in place on its behalf at the time of claimed loss as well as authentication of several documents as business records certain documents defendant believes were issued by this entity. Defendant believes these materials will be essential to his defense.
6. Firth Third Bancorp, Inc. and/or Firth Third Bank, Inc. are, upon information and belief, the complainants and/or otherwise relevant entities in this matter. Defendant seeks authenticated corporate filing documents during the time period in question, FDIC insurance certificates that were in place during the time of claimed loss as well as authentication of several documents as business records certain documents defendant believes were issued by this entity.
7. Computer Forensic Services, LLC. a Minnesota Limited Liability Company is, upon information and belief, the repository of “Unify Screens”, which are at issue in this case. The Unify Screen Shots provided in discovery are mostly illegible copies. Seeking copies directly from Computer Forensic Services should remedy this problem.
8. Counsel for the defendant contacted A.U.S.A. Craig Weier, counsel for the government in this matter on February 20, 2018 and received a stipulation to the relief sought in this motion.

WHEREFORE, Defendant respectfully requests leave to issue subpoenas: Fifth Third Bancorp, Fifth Third Bank, Computer Forensic Services, and Fifth Third Mortgage-MI, LLC.

Respectfully submitted,

HARRISON LAW

/s/ Michael J. Harrison

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Dated: February 20, 2018